

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

**IN RE: FLORANCE MILLWOOD MATHER, JR.
JEANNETTE A. MATHER**
Chapter 13 Debtors

Case No. 05-35579-DOT

ORDER

Bruce White, counsel for chapter 13 debtors FLORANCE MILLWOOD MATHER, JR. and JEANNETTE A. MATHER, filed a supplemental application for compensation on September 20, 2006. The application requested allowance of additional fees in the amount of \$828.25. The Office of the United States Trustee objected on the grounds that the application was not substantiated by contemporaneous time records. Hearing was held on October 11, 2006, and both parties presented oral argument. The court took the issue under advisement and for the reasons stated below, the court will deny the application.

At hearing, counsel acknowledged that he did not have complete contemporaneous time records to support his initial “no-look” fee of \$1,500.00, the amount permitted by local rule. He stated, however, that he had performed each one of the services listed in his fee application and that he should be entitled to payment of the supplemental fee over and above the \$1,500.00. The court has no reason to doubt counsel’s word that he performed the services. However, because he did not keep the appropriate records to support the “no-look” fee amount, the court cannot allow a supplemental fee. This ruling follows from the opinion of Judge St. John in In re Vernon-Williams, Case No. 04-37223, Memorandum Opinion & Order (Bankr. E.D. Va. 2006).¹

Further, the court does not find compelling counsel’s argument that a contract with the

¹ The Court notes this decision is currently on appeal to the U.S. District Court for the Eastern District of Virginia, Richmond Division.

debtor should enable him to recover the fee irrespective of time records. The existence of a contract between counsel and debtor does not change the court's determination of a reasonable fee which must include an analysis of time records.

Accordingly,

IT IS ORDERED that the motion for supplemental compensation is **DENIED**, and supplemental fees in debtor's case will be disallowed in their entirety.

SIGNED:

/s/ Douglas O. Tice Jr.
DOUGLAS O. TICE JR.
CHIEF UNITED STATES BANKRUPTCY JUDGE

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